

March 2025



PLANNING STATEMENT

12 Cawley Lane, Heckmondwike

Amendments to previously
Approved scheme
(ref: 2024/62/93092/E)



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1.0 INTRODUCTION

- 1.1 This Planning Statement has been prepared by Urban Future Planning Consultancy Ltd on behalf of the Applicant, to accompany a householder planning application seeking consent for extensions and alterations at 12 Cawley Lane, Heckmondwike. The scheme comprises minor modifications to the previously approved scheme under LPA ref no. 2024/62/93092/E. This Statement should be read alongside the accompanying plans and other supporting information submitted.
- 1.2 The application property comprises a two storey dwellinghouse sat within a generous sized plot. The Applicant seeks to bring to fruition a high-quality, modern family home which is significantly more energy efficient than at present. Kirklees declared a climate emergency in 2019 and has a vision for Net Zero by 2038. In its current form, the property has a low energy rating; the proposals will bring to fruition a much more energy efficient property.
- 1.3 This application follows the recent granting¹ of LPA ref no. 2024/62/93092/E which allowed for the erection of a single storey front and two storey side and rear extensions as well as a recently withdrawn application (LPA ref no.2024/92535) which also sought extensions and alterations.
- 1.4 The Applicant has taken into consideration the Council's assessment during LPA ref no.2024/92535 and has revisited the proposals. The proposed amendments consist of minor changes to that granted consent within LPA ref no. 2024/62/93092/E, such as altering the roof form and fenestration details with the inclusion of modifications to the rear elevation.
- 1.5 The revised scheme has been drawn up taking into consideration the site's context within the street scene, the surrounding built up area as well as what would be allowed under Permitted Development allowances. The property is not listed nor is it sited in a Conservation Area; this Statement will demonstrate that the proposed works are acceptable in such a context.

¹ Granted December 2024

1.6 This Statement sets out the planning merits of the application proposal and will demonstrate that the development being proposed is acceptable. The Statement concludes that the modifications sought to the property would result in an acceptable, good quality design which does not result in harm neighbour amenity. Consequently, it is concluded that consent ought to be granted.

2.0 SITE & SURROUNDINGS

2.1 The application property comprises 12 Cawley Lane, a two-storey detached dwelling house with a render finish. The dwelling is double fronted in its appearance with the principal elevation facing away from the road. The road facing elevation has a projecting element which forms the internal staircase for the property. The dwelling has a detached garage to the side with a drive to the roadside of the property and a larger, enclosed garden at the opposite elevation.



Figure 1. The dwelling is double fronted in its appearance with the principal elevation facing away from the road



Figure 2. Site location; the property sits within a generous sized plot

- 2.2 The application property is not listed, nor are there any listed buildings in close proximity. The site does not fall within a Conservation Area. As demonstrated overleaf, there is considerable variation between dwelling types in the immediate vicinity given the presence of Victorian-era terraces alongside post-war suburban development and modern infill development. There does not appear to be a particularly fixed built style within the immediate and wider locality and this is demonstrated overleaf. Many nearby properties feature hip to gable elements and are constructed of brick finish.



Figure 3. There does not appear to be a particularly fixed built style within the immediate and wider locality



Figure 4. There is considerable variation between dwelling types in the immediate vicinity given the presence of Victorian-era terraces alongside post-war suburban development

Planning History

2.3 The following applications are of relevance:

- 2024/92535 - Erection of extensions and alterations – Withdrawn
- 2024/62/93092/E - Erection of single storey front and two storey side and rear extensions – Granted December 2024

3.0 PROPOSED DEVELOPMENT

- 3.1 Consent is sought for extensions and alterations to the application dwelling; the scheme comprises minor modifications to the previously approved scheme under LPA ref no. 2024/62/93092/E. The amendments consist of minor changes such as altering the roof form and fenestration details with the inclusion of modifications to the rear elevation.
- 3.2 The proposal would include a hip to gable roof extension, with the insertion of velux windows to both roof elevations, as demonstrated below.
- 3.3 To the front, a new glazed entrance door is proposed within the front projecting element, alongside replacement fenestration. The property would be of red-brick finish with the projecting elements of render finish.



Figure 5. Proposed front, side and rear elevations (not to scale)

3.3 As set out previously, this resubmission follows the recent granting of consent for LPA ref no. 2024/62/93092/E and the plan extract overleaf demonstrates the proposed changes between that already granted consent and what is being currently proposed.



Figure 6. Proposed changes (highlighted in red) between that already granted consent (shown in blue) under LPA ref no. 2024/62/93092/E and what is being currently proposed. The amendments consist of minor changes such as altering the roof form and fenestration details with the inclusion of modifications to the rear elevation.

3.4 Please refer to the accompanying plans for further details.

4.0 RELEVANT PLANNING POLICY

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the Development Plan taking into consideration any material considerations relevant to the determination of the application.
- 4.2 The Kirklees Local Plan was adopted on 27 February 2019. The Local Plan is now the statutory development plan for Kirklees and has superseded the Kirklees Unitary Development Plan. Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) sets out the Government's planning agenda and is also of relevance.
- 4.3 Local Plan Policy LP24 *Design* of the Kirklees Local Plan states that the form, scale, layout and details of all development should respect and enhance the character of the townscape, heritage assets and landscape and provide a high standard of amenity for future and neighbouring occupiers.
- 4.4 Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.
- 4.5 Kirklees Council adopted supplementary planning guidance on *House Extensions & Alterations* on 29th June 2021 which carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.
- 4.6 Key Design Principle 1 of the *House Extensions & Alterations* SPD does state that extensions and alterations to residential properties should be in keeping with the appearance, scale, design and local character of the area and the street scene. Furthermore, Key Design Principle 2 of the

House Extensions & Alterations SPD goes on to state that extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and details

- 4.7 As per paragraph 5.14 of the *House Extensions & Alterations* SPD, careful consideration needs to be given to ensure that they are carefully designed to limit the potential for them to erode the character, they should be small and subservient to the main house and constructed using appropriate materials.
- 4.8 Paragraphs 5.15, 5.19 & 5.21 of the *House Extensions & Alterations SPD* are of relevance with regards to the proposed side extension as they require the development proposed to be located and designed to minimise the impact on the character of the area, reflect the original building in terms of materials and detailing and ensure adequate space is retained to provide a sense of space.

National Planning Policy Framework (NPPF)

- 4.9 The NPPF sets out the Government's planning policies. According to the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.
- 4.10 The NPPF states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Nationally described space standards

4.11 The Nationally described space standards introduced as a consistent standard across the country relating to the internal size of housing proposals. The table below sets out the minimum internal floor areas. In addition, the standards set out other relevant guidance such as minimum room widths and storage requirements:

Table 1 - Minimum gross internal floor areas and storage (m²)

| Number of bedrooms(b) | Number of bed spaces (persons) | 1 storey dwellings | 2 storey dwellings | 3 storey dwellings | Built-in storage |
|-----------------------|--------------------------------|--------------------|--------------------|--------------------|------------------|
| 1b | 1p | 39 (37) * | | | 1.0 |
| | 2p | 50 | 58 | | 1.5 |
| 2b | 3p | 61 | 70 | | 2.0 |
| | 4p | 70 | 79 | | |
| 3b | 4p | 74 | 84 | 90 | 2.5 |
| | 5p | 86 | 93 | 99 | |
| | 6p | 95 | 102 | 108 | |
| 4b | 5p | 90 | 97 | 103 | 3.0 |
| | 6p | 99 | 106 | 112 | |
| | 7p | 108 | 115 | 121 | |
| | 8p | 117 | 124 | 130 | |
| 5b | 6p | 103 | 110 | 116 | 3.5 |
| | 7p | 112 | 119 | 125 | |
| | 8p | 121 | 128 | 134 | |
| 6b | 7p | 116 | 123 | 129 | 4.0 |
| | 8p | 125 | 132 | 138 | |

5.0 PLANNING APPRAISAL

5.1 The purpose of this section of the Statement is to identify and assess the main planning considerations raised by the proposals in the context of relevant national and local planning policy and guidance. The key issues are;

- the effect of development on residential amenity;
- the effect of development on the character and appearance of the area; and
- the effect of development on the local highway network.

5.2 Each of these matters is considered below.

Character and appearance

5.3 As previously set out, this application follows the recent granting of LPA ref no. 2024/62/93092/E which allowed for the erection of a single storey front and two storey side and rear extensions as well as a recently withdrawn application (LPA ref no.2024/92535) which also sought extensions and alterations.

5.4 The proposed design rationale has taken into consideration the Council's assessment during LPA ref no.2024/92535 and the Applicant has revisited the proposals. The amendments consist of minor changes such as altering the roof form and fenestration details with the inclusion of modifications to the rear elevation. The revised scheme has been drawn up taking into consideration the site's context within the street scene, the surrounding built up area as well as what would be allowed under Permitted Development allowances.

5.5 The application property is not listed, nor are there any listed buildings in close proximity. The site does not fall within a Conservation Area. Furthermore, the property lacks the architectural or historical interest required for it to be considered a non-designated heritage asset, and the Council do not have a Local List of non-designated heritage assets in place. As demonstrated in Section 2, there is considerable variation between dwelling types in the immediate vicinity given the presence of Victorian-era terraces alongside post-war suburban development. There does not appear to be a particularly fixed built style within the immediate and wider locality and this is demonstrated in Section 2. This conclusion

was also reached by the LPA when granting planning permission with the Officer's Report stating that the properties in the area vary in terms of palette of materials, age and size. Many nearby properties feature hip to gable elements and are constructed of brick finish.

- 5.6 Similarly, as illustrated by the submitted plans (proposed street scene) neighbouring dwellings are predominantly built with a red brick exterior.
- 5.7 As demonstrated on the plans, the scheme proposes extensions and alterations to the application dwelling in the form of two-storey side and rear extensions with a hip to gable roof extension, with the insertion of velux windows to both roof elevations, as demonstrated below. To the front, a new glazed entrance door is proposed within the front projecting element, alongside replacement fenestration.
- 5.8 The property would be of red-brick finish with the projecting elements of render finish. As previously stated in Section 2, other residential properties in the area are predominantly built with red brickwork, with many properties being of a similar scale and massing to the proposal. This is illustrated by Figure 7 (see below). In addition to this, a number of other properties in the area consist of red brick exteriors, including the residential property on the opposite side of Cawley Lane (to the east of the application site), No.'s 14 & 16 Cawley Lane (to the south of the application site), and No's 10 – 20 Birkhead Street (to the north of the application site). As such, the application site is flanked by red brick dwellings to the north, east and south. Therefore, the use of red brick would provide a consistent approach against properties within the immediate character

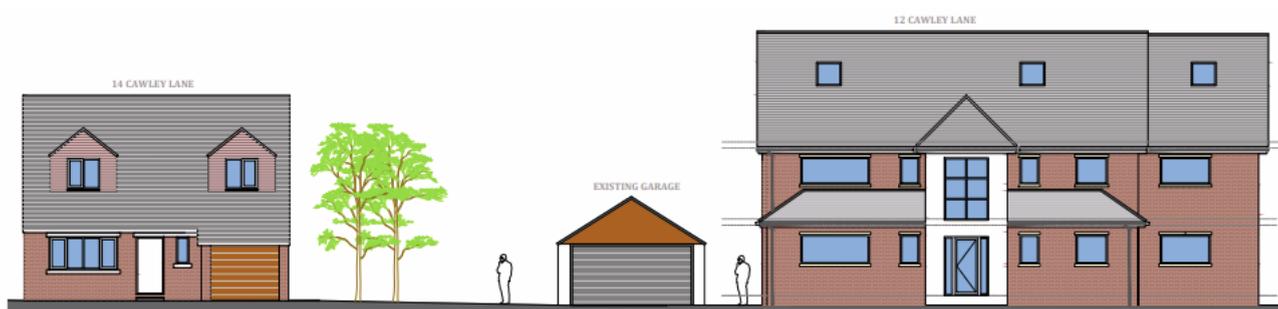


Figure 7: Proposed street scene showing use of red brick in the area.

- 5.9 Moreover, it is noted that the LPA granted planning permission for extensions and alterations to create a two-storey dwelling at 12, Birkhead Street, just to the north of the application site. The proposal granted planning permission in October 2020 (under reference

2020/62/92112/E) was also assessed under Policy LP24 of the Kirklees Local Plan. The exterior of the proposal consisted of the use of red bricks, and the Officer's Report confirmed that the red brick finish "would harmonise with the neighbouring properties, which are also constructed from brick". The same conclusion should be reached here, as neighbouring properties are also constructed from red brick, and as such the proposal is considered to comply with Local Plan Policy LP24.

5.10 Furthermore, the use of red brick on the original part of the building can be done without the need for planning permission. Therefore, seeking to resist the use of red brick for alterations to the host dwelling is not considered to be appropriate.

5.11 As set out previously, this resubmission follows the recent granting of consent for LPA ref no. 2024/62/93092/E and the plan extract below demonstrates the proposed changes between that already granted consent and what is being currently proposed. The proposed modifications to that previously granted are considered to be subtle changes that would not significantly impact the character and appearance of the host dwelling or that of the surrounding street-scene, specially given the very varied built form which exists in the area, as demonstrated in Section 2.



Figure 8. Proposed changes (highlighted in red) between that already granted consent (shown in blue) under LPA ref no. 2024/62/93092/E and what is being

currently proposed. The amendments consist of minor changes such as altering the roof form and fenestration details with the inclusion of modifications to the rear elevation.

- 5.12 Moreover, a considerable amount of the proposed scheme would be allowed under permitted development allowances under the General Permitted Development Order (GPDO). In particular, hip-to-gable loft conversions generally fall under permitted development rights, and given the detached nature of the property the applicant could add up to 50m³ of new roofspace without requiring planning permission. We are not aware of any planning conditions in force that would restrict the use of this permitted development right, and as previously stated the host property is not listed, nor is it located within a Conservation Area. Therefore, the GDPO provides a 'fallback position' which should be afforded significant weight. Through *Mansell v Tonbridge and Malling Borough Council [2017] EWCA Civ 1314*, the courts have established that to be considered as a material consideration, 'fallback positions' require there to be a 'real prospect' of the alternative proposal being delivered. Should this application be resisted by the Council, there is a real prospect that the applicant would implement a scheme that includes hip to gable roof extensions and/or other alterations to the roof space without the need for planning permission. As such, any considerations of the acceptability, or otherwise, of a hip-to-gable roof should be based against the Applicant's ability to provide a hip-to-gable roof without planning permission.
- 5.13 Similarly, planning permission granted under reference 2024/62/93092/E contained three planning conditions, none of which remove permitted development rights from the host property. Therefore, the applicant would be free to use permitted development rights to make additional changes to the host property, including alterations to the roof space, without the need for planning permission. Again, this should be afforded significant weight in the decision-making process.
- 5.14 On balance, the revised scheme is compliant with Policy LP24 of the Kirklees Local Plan Strategy and Policies (2019) which seeks amongst other things for developments to respect the character of the townscape and be subservient to the original building in term of scale, materials, and details.

Residential Amenity

- 5.15 It is not envisaged that the proposed works would impact on the amenity of nearby residential occupiers. With regards to the potential impact on 3 Cawley Lane, this neighbouring property is sited on the opposite side of the road and occupies a position approx. 29m from the application site. Given the substantial separation, there would be no overlooking, overshadowing or overbearing resulting the proposed scheme.
- 5.16 The neighbouring properties to the north (Nos.18 & 20 Birkhead Street) occupy positions some 27m from the host property. The substantial separation between the dwellings is such that there would be no overshadowing, overbearing or overlooking resulting from the proposed development.
- 5.17 Likewise, the neighbouring property to the rear (11 Badgers Walk) occupies a position some 27m from the host property. Such a separation would minimise any potential for overshadowing, overbearing or overlooking resulting from the proposed development.
- 5.18 The nearest property to the application property is 14 Cawley Lane. The works proposed would not reduce the existing separation between the two properties and therefore there would be no overshadowing or overbearing. There are no openings proposed in the side elevation which would overlook the adjacent property.
- 5.19 The potential impacts of extensions and alterations to the host dwelling was assessed by the LPA when granting planning permission 2024/62/93092/E. The Officer's Report confirms that owing to the separation distances, and lack of openings on side elevations of some properties, there would not be any adverse impact upon residential amenity of neighbouring occupants. In these respects, the proposal is compliant with Local Plan Policy LP24 which seeks good amenity in all new development proposals.

Highways

- 5.20 The generous sized parking area to the front of the property would not be affected by the proposed extensions nor would the detached garage and as such it is considered to represent a sufficient provision of off-street parking.

Sustainability

5.21 The Applicant seeks to undertake a number of modifications to the property to bring to fruition a high-quality, modern family home which is significantly more energy efficient than at present. Kirklees declared a climate emergency in 2019 and has a vision for Net Zero by 2038. In its current form, the property has a low energy rating; the proposals will bring to fruition a much more energy efficient property. The property has small windows to several habitable rooms which result in the need for much artificial lighting. The proposed modifications would resolve this.

6.0 CONCLUSION

- 6.1 This Statement has justified the merits and acceptability of the proposed extensions and alterations at 12 Cawley Lane, Heckmondwike. The Applicant is clearly keen to work proactively with the LPA and has taken into consideration the concerns previously raised within LPA ref no. 2024/92535. The scheme comprises minor modifications to the previously approved scheme under LPA ref no. 2024/62/93092/E. This revised submission has justified the merits and acceptability of the proposed modifications and has demonstrated that the works will result in subordinate additions which are in keeping, especially given the very varied built form which surrounds the application site. Moreover, much of the proposed works could be carried out under Permitted Development rights as demonstrated. There is a more than realistic prospect that alterations to the host dwelling could be made using permitted development rights, and in accordance with the relevant case law, this should be afforded significant weight in the decision-making process.
- 6.2 As clearly illustrated through the submitted street scene and the planning history of nearby schemes, neighbouring properties are predominantly formed of red brick residential dwellings. The proposal would therefore compliment with its surroundings.
- 6.3 Having regard to the above, and in particular the fall-back position offered by the GDPO and the planning permission already granted, it is not considered that the proposal would provide any detrimental harm to the visual amenity of the area, or the host property itself. Through granting planning permission for a similar proposal at the site, the LPA have already confirmed that extensions and alterations to the host dwelling can be achieved without negatively impacting upon residential amenity of neighbouring dwellings. Given that this application only seeks minor modifications to an already approved scheme, there is no reason why a different conclusion should be reached.
- 6.4 On balance, the revised scheme is considered acceptable for the reasons set out. The NPPF states that local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development and that decision-makers at every level should seek to approve applications for sustainable development where possible. It goes on to state that LPAs should look for solutions rather

than problems and it is within this context that the application ought to be considered.

- 6.5 Should the LPA require any additional information; it is asked that contact is made with the Agent.